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EXAMINER	
TANG, KENNETH	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/664,826	MITCHELL ET AL.	
	Examiner	Art Unit	
	KENNETH TANG	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14 and 16-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 16-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 and 16-23 are presented for examination.

2. This action is in response to the RCE/Amendment on 6/23/08. The amendments to the claims prompted the new grounds of rejections, which make the arguments by the Applicant moot.

Claim Objections

3. Claim 2 is objected to because of the following informalities: It is a requirement that all claims end in a period. Therefore, the semicolon in the last line of claim 2 should be changed to a period. Appropriate correction is required.

4. Claim 9 is objected to because of the following informalities: The term "me" should be deleted in order to correct the grammar/typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the preamble of claim 23, it recites performing transaction updates. However, the body of claim 23 does not describe anything related to performing transaction updates nor does it connect with the preamble. Therefore, the scope of the claims cannot be ascertained with

respects to the limitation of performing transaction updates, and thus, claim 23 is found to be indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 4-14 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans (US 2004/0078340 A1).

7. As to claim 1, Evans teaches in a communications-networking environment, a method for automatically presenting the progress of a transaction (see Abstract, Fig. 1, items 31, 235), comprising:

receiving a transaction that requires completing one or more substeps, wherein a substep is a process to be performed in an execution of the transaction (processes are substeps of a transaction) (page 6, [0060], lines 4-7); and

without user interaction (automatically), communicating to one or more display devices one or more indications (progress indicators of the transaction) respectively related to said one or more substeps as said one or more substeps are performed, wherein communicating to the one or more display devices comprises communicating the one or more indications to a broadcasting

device and sending the one or more indications from the broadcasting device to the one or more display devices (page 22, claim 59, Fig. 1, items 235, 611-625, page 8, [0101], line 1, page 4, [0035, lines 16-22).

8. In summary of the above citations, Evans teaches a telecommunications networking environment for automatically (without user interaction) monitoring the progress of a transaction involving one or more cellular phone/mobile browser-based devices, wherein a transaction consists of one or more processes/substeps. The mobile phones, for example, are able to be automatically notified based on the progress indicators of the transaction. Therefore, Evans clearly anticipates the invention of claim 1.

9. As to claim 2, Evans teaches wherein said transaction includes two or more of the following: modifying call-routing instructions associated with a telecommunications network (via Switch, etc.) ([0053]); implementing a database update ([0202], [0204]); and implementing a LERG (Local Exchange Routing Guide) update.

10. As to claim 4, Evans teaches wherein communicating said one or more indications include communicating the indications to a device other than the device from which the transaction request was submitted (page 7, [0071], lines 1-10).

11. As to claim 5, Evans teaches wherein communicating said one or more indications include communicating indications corresponding to disparate transactions to one or more display devices (transmits notification to another system or to device from which the transaction

message originated) wherein disparate transactions are separate distinct transactions (a variety of distinct actions and sequences of actions based on each transaction's type) (page 7, [0071], page 10, [0125]).

12. As to claim 6, Evans teaches wherein said indications respectively related to said two or more substeps correspond to one or more of the following events:

when a transaction is submitted (notify one or more parties of the occurrence of the transaction) (page 1, [0003]);

when a transaction is received (notify one or more parties of the occurrence of the transaction) (page 1, [0003]);

when a transaction is validated (authenticate and verify) (page 4, [0035], lines 16-22);

when a transaction is accepted (notify one or more parties of the occurrence of the transaction) (page 1, [0003]);

when a transaction is reformatted (The incoming data from the Transaction message are thus normalized into a standard internal format for subsequent processing, independent of their original format) (page 9, [0119]);

when a transaction is sent to one or more network devices (notify one or more parties of the occurrence of the transaction) (page 1, [0003]); and/or

when one or more messages from said one or more network devices are received (notify one or more parties of the occurrence of the transaction) (page 1, [0003]).

13. As to claim 7, Evans teaches wherein said indications include a description of said respective event (page 7, [0069]).

14. As to claim 8, Evans teaches one or more computer-readable storage media having computer-useable instructions embodied thereon for automatically providing real-time transaction-progression status updates (real-time progress of the transaction) (Abstract, [0063], [0116], [0125]), said method comprising:

receiving a transaction, wherein the execution of the transaction involves performing one or more subprocesses (processes are substeps of a transaction) (page 6, [0060], lines 4-7);

generating a plurality of status indicators as said one or more subprocesses progress (progress indicators of the transaction) (page 22, claim 59); and

dynamically communicating one or more of said plurality of status indicators to a broadcasting device, whereby said plurality of status indicators can be sent to said one or more receiving components (page 18, [0202], lines 6-12, Fig. 1, items 235, 611-625, page 5, [0048]).

15. In summary of the above citations, Evans teaches a telecommunications networking environment for dynamically and automatically (without user interaction) monitoring the progress of a transaction involving one or more cellular phone/mobile browser-based devices, wherein a transaction consists of one or more processes/substeps. The one or more mobile phones, for example, are able to be automatically/dynamically notified based on the progress indicators of the transaction. Therefore, Evans clearly anticipates the invention of claim 8.

16. As to claim 9, Evans teaches wherein receiving a transaction includes receiving two or more of the following: a database-update request ([0202], [0204]); a table-modification request (remotely loading values into the database tables through a database loader utility, or by using a programmatic interface for performing remote database updates ([0202], [0204]); a LERG (Local Exchange Routing Guide) update; and a network-device-configuration change (page 7, [0072], lines 1-5).

17. As to claim 10, Evans teaches wherein generating a plurality of status indicators include generating an indication of one or more of the following events:

when a transaction is submitted (notify one or more parties of the occurrence of the transaction) (page 1, [0003]);

when a transaction is received (notify one or more parties of the occurrence of the transaction) (page 1, [0003]);

when a transaction is validated (authenticate and verify) (page 4, [0035], lines 16-22);

when a transaction is accepted (notify one or more parties of the occurrence of the transaction) (page 1, [0003]);

when a transaction is reformatted (The incoming data from the Transaction message are thus normalized into a standard internal format for subsequent processing, independent of their original format) (page 9, [0119]);

when a transaction is sent to one or more network devices (notify one or more parties of the occurrence of the transaction) (page 1, [0003]); and/or

when one or more messages from said one or more network devices are received (notify one or more parties of the occurrence of the transaction) (page 1, [0003]).

18. As to claim 11, Evans teaches wherein said plurality of status indicators include a description of said respective event (page 7, [0069]).

19. As to claim 12, Evans teaches wherein dynamically communicating one or more of said plurality of status indicators are accomplished without user intervention (automatically) (see Abstract, Fig. 1, items 31, 235, page 18, [0202], lines 6-12, Fig. 1, items 235, 611-625, page 5, [0048]).

20. As to claim 13, Evans teaches wherein dynamically communicating one or more of said plurality of status indicators include sending indicator(s) associated with unique transactions simultaneously wherein the unique transactions are separate distinct transactions (a variety of distinct actions and sequences of actions based on each transaction's type) (page 7, [0071], page 10, [0125], [0204], [0142], lines 3-7).

21. As to claim 14, Evans teaches in a communications networking environment, a system for monitoring transaction progression in real time (See Abstract), the system comprising:

a request-receiving component that receives an incoming transaction wherein said incoming transaction (page 6, [0060], lines 4-7, Fig. 17, item 617) includes two or more of the following:

a call-routing modification (via Switch) associated with a telecommunications network ([0053], Fig. 17, items 317, 235, 517);

a database update ([0202] and [0204]);

a LERG (Local Exchange Routing Guide) update;

a table-modification request (remotely loading values into the database tables through a database loader utility, or by using a programmatic interface for performing remote database updates ([0202], [0204]); and

a network-device-configuration change (page 7, [0072], lines 1-5);

a status-monitoring component - coupled to said request-receiving component - that monitors the progression of said transaction and provides feedback (notification or information about the transaction while it is still in progress) related to the status of the transaction's progression toward completion (page 5, [0048], [0051], Fig. 1, items 2, 222); and

a status-transmission component that receives said feedback and communicates said feedback to one or more receiving devices (Fig. 17, items 2, 311, 311a, 317, 235, 617, Fig. 1, items 2, 235, 611-625, see Abstract, last sentence, page 5, [0047], page 7, [0071]).

22. As to claim 17, Evans teaches wherein the status-monitoring component identifies a plurality of events that are accomplished as said transaction progresses toward final execution (progress indicators of the transaction) (page 22, claim 59, page 5, [0048], [0051], page 12, [0151], lines 8-9).

23. As to claim 18, Evans teaches wherein the plurality of events include one or more of:

submitting a transaction to process (notify one or more parties of the occurrence, therefore, submission of the transaction) (page 1, [0003]);

receiving a transaction (notify one or more parties of the occurrence, therefore, the receiving of the transaction) (page 1, [0003]);

validating a transaction (authenticate and verify) (page 4, [0035], lines 16-22);

accepting a transaction (notify one or more parties of the occurrence of the transaction) (page 1, [0003]);

sending a transaction to one or more network devices (notify one or more parties of the occurrence of the transaction) (page 1, [0003]); and

receiving one or more responses from said network devices (notify one or more parties of the occurrence of the transaction) (page 1, [0003]).

24. As to claim 19, Evans teaches a computer system having a processor and a memory for asynchronously monitoring network transactions in real time (real-time progress of the transaction) (Abstract, [0063], [0116], [0125]), the system comprising:

a first user-interface component that submits one or more transaction requests (web-browser based interface, as shown in Fig. 1, 251: one of a plurality of User - Web client, [0204], [0175]);

a transaction-processing system that receives said one or more transaction requests, monitors the transaction request(s) progression toward completion, and provides updates related to said progression ([0048], [0051]); and

a second user-interface component - which can be said first interface component – that receives said one or more updates and simultaneously presents said updates, which can be related to separate distinct transactions (web-browser based interface, as shown in Fig. 1, 251: one of a plurality of User - Web client, [0204], [0142], lines 3-7, [0125]).

25. In summary of the above citations, Evans teaches a telecommunications networking environment for dynamically and automatically (without user interaction) monitoring the progress of a transaction involving one or more cellular phone/mobile browser-based devices, wherein a transaction consists of one or more processes/substeps. The web-browsers of the one or more mobile devices are the user-interface components that present the updates/notifications. The one or more mobile phones, for example, are able to be automatically, dynamically, and simultaneously, and asynchronously notified based on the progress indicators of the transaction. It is noted that the limitation of "can be related to separate distinct transactions" states the intended use and is not a positive limitation. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP 2106). Nevertheless, the notifications/updates can be related to distinct/separate transactions and also based on a variety of types of transactions. Therefore, Evans clearly anticipates the invention of claim 19.

26. As to claim 20, Evans teaches wherein the transaction-processing system identifies a plurality of events that are accomplished as said transaction progresses toward completion (page 5, [0051]).

27. As to claim 21, Evans teaches wherein said second user-interface component presents said updates on a display device (page 7, [0071], page 21, claims 57 and 58).

28. As to claim 22, Evans teaches wherein said second user-interface component includes functionality to view a historical log of said updates (page 7, [0071], page 21, claims 57 and 58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

29. Claims 3, 16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (US 2004/0078340 A1) in view of Chari (US 6,219,711 B1).

30. As to claim 3, Evans is silent in teaching wherein receiving a transaction includes suspending user control until said transaction is received, without user interaction, but prior to when said transaction is completed (synchronous operation). However, Chari discloses

processing asynchronous transactions such that they have the benefit of reduced complexity and costs of synchronous transactions. Specifically, the invention permits an application program to use a synchronous request for data in an asynchronous communications environment. And as stated in Chari, in a synchronous system, after an application generates a request, the application suspends operation/control until the application obtains the desired response. This is done without user interaction. Evans and Chari are analogous art because they are both in the same field of endeavor of transaction processing in a networking environment. One of ordinary skill in the art would have known to modify Evans's transaction processing system such that it would include synchronously suspending operation/control until said transaction is received, without user interaction, but prior to when said transaction is completed, as suggested in Chari. The suggestion/motivation for doing so would have been to provide the predicted result of performing asynchronous transactions in such a way that would reap the benefits of synchronous processing, such as reduced complexity and costs (col. 3, lines 11-20, col. 4, lines 33-35). Therefore, it would have been obvious to one of ordinary skill in the art to combine Evans and Chari to obtain the invention of claim 3.

31. As to claim 16, Evans teaches wherein said request-receiving component retains processing control while receiving said incoming transaction but releases processing control, without user interaction, prior to final execution of said transaction.

32. However, Chari discloses processing asynchronous transactions such that they have the benefit of reduced complexity and costs of synchronous transactions. Specifically, the invention permits an application program to use a synchronous request for data in an asynchronous

communications environment. The interface module contains a send request module, a monitoring module, and a receive data module. The send request module makes a request for data using a request that cause the data to return asynchronously. For example, while communicating one or more transactions to a transaction receiver, user control of the application is withheld/suspended until the application obtains the desired response. Once the desired response is obtained, the application is no longer suspended, and the control is returned during the switch, without user interaction, and prior to final execution of the transaction (see Abstract, col. 3, lines 11-30, col. 4, lines 15-41, col. 12, lines 58-64, and col. 14, lines 47-54). Evans and Chari are analogous art because they are both in the same field of endeavor of transaction processing in a networking environment. One of ordinary skill in the art would have known to modify Evans's transaction processing system such that it would include retaining processing control while receiving said incoming transaction but releasing processing control, without user interaction, prior to final execution of said transaction, as suggested in, as suggested in Chari. The suggestion/motivation for doing so would have been to provide the predicted result of performing asynchronous transactions in such a way that would reap the benefits of synchronous processing, such as reduced complexity and costs (col. 3, lines 11-20, col. 4, lines 33-35). Therefore, it would have been obvious to one of ordinary skill in the art to combine Evans and Chari to obtain the invention of claim 16.

33. As to claim 23, Evans teaches in a networking environment, a method for performing transaction updates asynchronously (see Abstract, [0142]) comprising:

receiving from a user a request to execute one or more transactions ([0175], Fig. 1, items 251, 235, 611-625).

34. Evans is silent in explicitly teaching withholding processing control from said user while communicating said one or more transactions to a transaction receiver (synchronous communication); and returning processing control to said user incident to completing communication of said one or more transactions to said transaction receiver but prior to the execution of said one or more transactions (asynchronous communication).

35. However, Chari discloses processing asynchronous transactions such that they have the benefit of reduced complexity and costs of synchronous transactions. Specifically, the invention permits an application program to use a synchronous request for data in an asynchronous communications environment. The interface module contains a send request module, a monitoring module, and a receive data module. The send request module makes a request for data using a request that cause the data to return asynchronously. For example, while communicating one or more transactions to a transaction receiver, user control of the application is withheld/suspended until the application obtains the desired response. Once the desired response is obtained, the application is no longer suspended, and the control is returned during the switch (see Abstract, col. 3, lines 11-30, col. 4, lines 15-41, col. 12, lines 58-64, and col. 14, lines 47-54). Evans and Chari are analogous art because they are both in the same field of endeavor of transaction processing in a networking environment. One of ordinary skill in the art would have known to modify Evans's transaction processing system such that it would include making a synchronous request by withholding processing control from said user while communicating said one or more transactions to a transaction receiver and then performing

asynchronously by returning processing control to said user incident to completing communication of said one or more transactions to said transaction receiver but prior to the execution of said one or more transactions, as suggested in Chari. The suggestion/motivation for doing so would have been to provide the predicted result of performing asynchronous transactions in such a way that would reap the benefits of synchronous processing, such as reduced complexity and costs (col. 3, lines 11-20, col. 4, lines 33-35). Therefore, it would have been obvious to one of ordinary skill in the art to combine Evans and Chari to obtain the invention of claim 23.

Response to Arguments

36. During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

37. Applicant's arguments have been fully considered but they are moot in view of the new grounds of rejections.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- **Diedrichsen et al. (US 6,671,716 B1)** discloses a telecommunication system that stores the state information indicative of the progress of the transaction (see Abstract and claims).
- **Abbaei et al. (WO 9204679 A)** discloses a system for automatically providing network transaction status updates in an asynchronous manner (see Abstract).
- **Chotai (US 5,907,805)** discloses a cellular telecommunications system that tracks the progress of a transaction (see Abstract).
- **Bouffard et al. (US 2002/0136375 A1)** discloses an in progress transaction record for a telecommunications system with a client that is a cell phone equipped with a web-browser for receiving the notifications of the progress transaction record/in-progress transaction information 408 (see claims and Abstract, [0006], [0011], [0019], [0029]).
- **Shenoy et al. (US 2002/0040304 A1)** discloses reporting the progress of the transaction by tracking tasks on a web-based phone (see claim 9, Abstract).
- **Yone et al. (US 2003/0056171 A1)** discloses a degree of progress notification of a transaction for a mobile phone (see claim and Abstract).
- **Lym et al. (US 6,901,474 B2)** discloses an application calling a routine in the API 20 either synchronously or asynchronously. If an application calls a routine synchronously, then at the time that the routine returns to the application, the API

has completed the requested operation or the API returns a completion status indicating that the chosen request could not be completed (col. 20, lines 14-30).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH TANG whose telephone number is (571)272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

/Kenneth Tang/
Examiner, Art Unit 2195